

Debbie Beadle

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Sent: Thursday, December 06, 2012 5:32 PM
To: Debbie Beadle
Cc: Evan Maxim
Subject: PH Comments - ECA update
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December 6, 2012

City of Sammamish
Planning Commission
Public Hearing Comments re: ECA

I would like to acknowledge and thank the Planning Commission and City staff for all your hard work and commitment of time to this update process.

Before I get to my comments about the draft wording, I would ask that staff be asked to briefly address the process they used for ensuring that all items from Staff Memorandums 1-5 were captured in the Deliberation Draft (or not, as directed by the PC). If it is discovered that something was inadvertently excluded when it was to be included, is there a process for the citizenry to point that out to staff or the PC?

While I have been unable to devote much time to a review of all the work and the details of the Deliberation Draft, especially given the complexity of some of the issues, I've included several comments about specific paragraphs in that draft document. I provide the page, line number, and code section to which I am referring, then add my question or comment to the side. See the attached document.

Again, thank you for all your hard work and efforts to provide us with a good ECA code.

Regards,

Linda Eastlick

EXHIBIT NO. 277

Submitted by: Public Hearing Comment – ECA Revisions
Linda Eastlick PC Deliberation Draft
P.O. Box 2574 12/06/2012
Issaquah, WA 98027

p. 14, l16 21A.50.135 (1)(g)

(g) Monitoring the impact, hazard or success of required mitigation and taking remedial action based upon findings over time.

Comment [LME1]: Somehow quantify the timeframe allowed for monitoring, allowing for the impact of unusual weather conditions, storm events, etc.

p. 19, l14 21A.50.220(1)(a)(i)

Pre-design site inspection by a licensed engineer or geologist to identify erosion hazard areas, no-disturbance areas, and resources downstream of the site that are to be protected;

Comment [LME2]: Is a geologist qualified to make this assessment? Information before the State Legislature this past year would seem to indicate that a higher level of expertise is needed to assess the safety of hazard areas.

p. 19, l27 21A.50.220(1)(a)(ii)(E)

A water-quality monitoring plan for site discharges, where the applicant is responsible for measuring turbidity of stormwater released from the site and maintaining records of monitoring data that shall be available upon request by the City or Ecology. Monitoring protocols should conform to the 30 monitoring requirements of the construction stormwater general permit;

Comment [LME3]: I didn't see Ecology defined earlier.

p. 19, l27 21A.50.220(1)(a)(ii)(F)

A Contingency Plan incorporated into the temporary erosion and sediment control plan that identifies corrective actions and BMPs that will be implemented if monitoring shows discharge water quality exceeds water quality standards, and that specifies materials to be stockpiled on site for use in an erosion and sediment control response;

Comment [LME4]: Found this defined later in the document but not earlier.

p. 20, l23 21A.50.220(1)(c)

Timber harvest may be allowed pursuant to an approved forest practice permit issued by the Washington Department of Natural Resources.

Comment [LME5]: s/b "practices" – RCW 76.09.063

p. 21, l9 21A.50.220(4)

Where the City determines that erosion from a development site poses a significant risk of damage to downstream receiving waters, based either on the size of the project, the proximity to the receiving water or the sensitivity of the receiving water, the applicant shall be required to provide regular monitoring of surface water discharge from the site as required by the adopted Surface Water Design Manual and City of Sammamish Addendum (2009). If the project does not meet the applicable provisions of the adopted water quality standards as established by law, the City may suspend further development work on the site until such standards are met.

Comment [LME6]: wording throughout the text is not consistent for this reference (Surface Water Design Manual, Stormwater Design Manual, KCSWD Manual)

p. 21, l29 21A.50.225(2)(c)

The director may modify the property-specific development standards required by this section when a critical areas study is conducted by the applicant and approved by the director which demonstrates that the proposed development substantially increases water quality by showing the following:

Comment [LME7]: What is the justification for this standard? Appears to place a higher standard of responsibility for water quality on a small group of property owners inappropriately, it's a basin-wide issue.

p. 27, l8 21A.50.225(5)(e)(iii)

Construction Season Work Limits - Land clearing and grading may only occur between May 1st to September 30th with the phases of construction limited as follows:

Comment [LME8]: Change "to" to "and"

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p. 28, l1 21A.50.225(5)(e)(iv)(C)

By September 15th, city inspection is required of the site to confirm that all 1 mandatory elements of the Close Out Plan are being implemented. Following inspections, the applicant of additional actions that are necessary and may order all construction work to be stopped other than work to prepare the site for winter weather.

Comment [LME9]: “the applicant of additional actions that are necessary and may order. . . .” What are you intending to say here, this makes no sense?

p. 28, l21 21A.50.225(5)(e)(v)(B)

Temporary water quality treatment facilities shall include active sediment controls, such as chemical treatment, enhanced filtration or a combination of both per DOE guidelines (Section C250 & C251, Volume II, Department of Ecology Stormwater Management Manual).

Comment [LME10]: Why per DOE’s Stormwater Management Manual? Are these more rigid guidelines? See above comment re: inconsistencies between manual references.

p.32, l28 21A.50.260(6)(a)

Slopes that are 40 percent or steeper with a vertical elevation change of up to 20 feet if no adverse impact will result from the exemption based on the City’s review of and concurrence with a soils report prepared by a licensed geologist or geotechnical engineer; and

Comment [LME11]: See comment above re: level of expertise/qualifications

p.33, l26 21A.50.280(1)(c)

The design and implementation of infiltration facilities shall follow the ecology infiltration guidelines specified in the Western Washington Stormwater Manual (2005), or other technical guidance as approved by the City.

Comment [LME12]: Define “ecology”

Comment [LME13]: Yet another Storm Water Manual, how is a developer to keep straight which manual they are required to follow at any given time?

p.34, l6 21A.50.280(2)(c)

The proposed activity must comply with the water source protection requirements and 6 recommendations of the Federal Environmental Protection Agency, State Department of Ecology, State Department of Health, and the Seattle-King County health district

Comment [LME14]: “Seattle-King County health district” or “King County Board of Health” or another agency? I didn’t find a health district when searching

p. 46, l21 21A.50.300(9)

A dock, pier, moorage, float, or launch facility may be allowed, subject to the provisions of SMC Title 25, if:

Comment [LME15]: Is this consistent with the provisions of the SMP for properties with similar environmental constraints?

(a) The existing and zoned density around the wetland is three dwelling units per acre or more;

(b) At least 75 percent of the lots around the wetland have been built upon and no significant buffer or wetland vegetation remains on these lots; and

(c) Open water is a significant component of the wetland.

Throughout – Spelling of phosphorous/phosphorus

Comment [LME16]: spelled one way in some places, spelled another way in other places – are the different words being used correctly in the draft document (noun vs. adjective)?

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Definitions

p.78, l12

21A.15.467 Fish and wildlife habitat corridors.

"Fish and wildlife habitat corridors" means those corridors set aside and protected for preserving connections between habitats on development proposal sites that contain Type F or Np streams and/or wetlands with a high habitat score greater than or equal to 29 on the Washington State Wetland Rating System for Western Washington (Department of Ecology 2004 or as revised) that are located within 200 feet of an on-site or off-site Type F or Np stream and/or wetland with a high habitat score greater than or equal to 29 on the Washington State Wetland Rating System for Western Washington.

21A.15.468 Fish and wildlife habitat conservation areas.

"Fish and wildlife habitat conservation areas" means those areas that are essential for the preservation of critical habitat and species. All areas within the City of Sammamish meeting one or more of the following criteria are designated wildlife habitat conservation areas:

(1) Areas with which state or federally designated endangered, threatened, and sensitive species have a primary association.

(a) Federally designated endangered and threatened species are those fish and wildlife species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or are threatened to become endangered. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted as necessary for current listing status;

(b) State-designated endangered, threatened, and sensitive species are those fish and wildlife species native to the coastal region of the Pacific Northwest identified by the State Department of Fish and Wildlife, that are in danger of extinction, threatened to become endangered, vulnerable, or declining and -are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. State-designated endangered, threatened, and sensitive species are periodically recorded in WAC 232-12-014 (state endangered species), and WAC 35 232-12-011 (state threatened and sensitive species). The State Department of Fish and Wildlife maintains the most current listing and should be consulted as necessary for current listing status;

(2) Streams, lakes and naturally occurring ponds;

(3) State natural area preserves and natural resource conservation areas. Natural area preserves and natural resource conservation areas are defined, established, and managed by the State Department of Natural Resources; and

(4) Fish and wildlife habitat corridors as defined in 21A.15.467 for preserving connections between habitats 4 along the designated wildlife habitat network. (Ord. O2005-193 § 2)

Comment [LME17]: Sections are in wrong order alphabetically – "conservation" comes before "corridor". Are they already numbered?